

U.S. DEPARTMENT OF COMMERCE
AND THE
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

CHARTER OF THE
INDUSTRY TRADE ADVISORY COMMITTEE ON
INTELLECTUAL PROPERTY RIGHTS

1. ESTABLISHMENT

The Industry Trade Advisory Committee on Intellectual Property Rights (the Committee) is established by the Secretary of Commerce (the Secretary) and the United States Trade Representative (the USTR) pursuant to the authority of section 135(c)(2) of the 1974 Trade Act (Public Law 93-618), as delegated by Executive Order 11846 of March 27, 1975, as amended. In establishing the Committee, the Secretary and the USTR consulted with interested private organizations and took into account the factors set forth in section 135(c)(2)(B) of the Act.

2. MEMBERS AND COMMITTEE OFFICERS

The Committee consists of not more than 50 members from such private sector areas as to provide expertise on the subject of intellectual property rights. In addition, each other ITAC (with the exception of the ITACs on Customs Matters and Trade Facilitation and Standards and Technical Trade Barriers) may select one of its members (in exceptional instances, not more than two members) to serve as a non-voting representative to the Committee, representing the views and interests of that ITAC. Committee members shall be appointed by the Secretary and the USTR and will serve from the date of appointment to the Committee until the date of expiration of this charter. They will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance. Members of the Committee will be selected who will best carry out the objectives of the Committee as set forth in Section 3. Secondary selection criteria are ensuring that the Committee is balanced in terms of points of view, demographics, geography, and company size. The Secretary and the USTR may, at their discretion, extend the term of an individual private sector member upon renewing this charter, provided that the member proves to work effectively in the Committee and his/her expertise is still needed. Members serve at the discretion of the Secretary and the USTR.

The Committee chair and vice chair are elected from the membership by the members for a period not to exceed the duration of this charter and may be reelected for one or more additional periods should the charter of the Committee be renewed.

The members, all of whom come from the private sector, will serve in a representative capacity presenting the views and interests of a U.S. business involved in intellectual property rights matters; they are, therefore, not Special Government Employees. Members participating in Committee meetings and events will be responsible for their travel, living, and other personal expenses.

3. OBJECTIVES AND DUTIES

The Committee shall perform such functions and duties and prepare reports, as required by Section 135 of the Act of 1974, as amended, with respect to the industry trade advisory committees. The Committee advises the Secretary and the USTR concerning the trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act.

In particular, the Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002, and implementation of existing trade agreements affecting its sector; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

4. ADMINISTRATIVE PROVISIONS

- a. The Committee reports to the Secretary and the USTR, or their designees, through the Under Secretary of Commerce for International Trade and the Assistant Secretary for Manufacturing and Services (the Assistant Secretary), and USTR's Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Liaison (the AUSTR).
- b. The Committee meets at irregular intervals at the call of the Secretary and the USTR, or their designees, acting jointly.
- c. The Assistant Secretary and the AUSTR, or their designees, are responsible for prior approval of the agendas for all Committee meetings.
- d. The Assistant Secretary provides staff support and services for the Committee.
- e. Except as otherwise provided in this charter, the Department of Commerce is responsible for filings and other applicable statutory requirements of the Federal Advisory Committee Act. The USTR, or his designee, has responsibility for determinations made pursuant to Subsection 135(f) of the Trade Act of 1974, as amended.
- f. The estimated annual operating cost of the Committee is \$45,000.00, which includes 0.4 person-years of staff support.
- g. The Committee functions solely as an advisory committee in accordance with the provisions of the Federal Advisory Committee Act, with the exceptions set forth in the Trade Act of 1974, as amended.

- h. Members of the Committee will not be compensated for their services or reimbursed for travel expenses.
- i. The Committee may establish subcommittees or working groups from among its members as may be necessary, subject to the approval of the Secretary and the USTR, or their designees, and the provisions of the Federal Advisory Committee Act and the Department of Commerce Committee Management Handbook.
- j. The Commerce Trade Advisory Center will maintain all files mandated by the Federal Advisory Committee Act and Commerce's policies on advisory committee management.

5. DURATION

Pursuant to Section 135(f)(2) of the Trade Act of 1974, as amended, this charter shall expire four years from the date indicated below unless it is earlier revoked or extended by proper authority by appropriate action.

Chief Financial Officer and
Assistant Secretary for Administration
U.S. Department of Commerce

Assistant U.S. Trade Representative
for Intergovernmental Affairs
and Public Liaison
Office of the U.S. Trade Representative

Date